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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DONALD C. LIKES and RUSSELL C. BROWN

Appeal 2009-001322¹
Application 10/085,965
Technology Center 2400

Before JEAN R. HOMERE, ST JOHN COURTENAY III, and
DEBRA K STEPHENS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL²

¹ Filed February 28, 2002. The real party in interest is Advanced Micro Devices, Inc. (App. Br. 1.)

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1-6, 8-15, 17-23, 25 and 26. Claims 7, 16, and 24 have been canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We reverse.

Appellants' Invention

Appellants invented a method and system for allowing software components to dynamically communicate with each other independently from a particular communication scheme. (Spec.2, ll. 18-23.) As depicted in Appellants' Figure 2A, upon receiving from a first software component (150) a message (2.1) identifying another component (152) and a specific scheme (112) associated therewith, a communication scheme handler (120) retrieves from a data store (104) resource locator information (110) for each component including an associated scheme portion (112), a host portion (114), a port portion (116) and a path portion (116) to thereby allow the software components to dynamically exchange messages. (*Id.* at 6, ll. 14-31, *id.* at 7, ll. 9-21.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method comprising:

obtaining a message from a first component of a software system;

identifying a module to handle scheme-specific communication of the message; and

using the module for communicating the message from the first component to a second component of the software system, the communicating the message including using a first resource locator to identify the first component and using a second resource locator to identify the second component, the first resource locator including a first resource locator communication scheme indication portion, a first resource locator network node name indication portion, a first resource locator port identifier indication portion and a first resource locator path indication portion, the second resource locator including a second resource locator communication scheme indication, portion, a second resource locator network node name indication portion, a second resource locator port identifier indication portion and a second resource locator path indication portion.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Man	US 5,710,908	Jan. 20, 1998
Glass	US 6,519,653 B1	Feb. 11, 2003

Rejection on Appeal

The Examiner rejects claims 1-6, 8-15, 17-23, 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Man and Glass.

Appellants' Contentions

Appellants contend that the combination of Man and Glass does not teach or suggest a first and a second resource locator respectively identifying a first and a second component, wherein each resource locator includes an associated scheme, node name, port, and path portions, as recited in independent claim 1. (App. Br. 6, Reply Br. 2.) According to Appellants, while Man discloses a protocol independent method for transmitting data packets between application programs, it does not teach the disputed limitations. (App. Br. 4-5) Further, Appellants argue that Glass does not cure the noted deficiencies of Man despite its disclosure of using a universal resource locator to exchange messages between agent messages in a network. (*Id.* at 5-6, Reply Br. 2.)

Examiner's Findings

The Examiner finds that Man's disclosure of exchanging messages between application programs wherein each message includes communication specific information for address data and packet header information teaches a protocol communication scheme in the header of the message. (Ans. 6.) Further, the Examiner finds that Glass's disclosure of a universal resource locator (URL) teaches a resource locator that identifies a node name, a port name, and path name. (*Id.* at 7.) Therefore the Examiner finds that the proffered combination teaches the disputed limitations. (*Id.*)

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combination of Man and Glass teaches or suggests a first and second resource locators respectively identifying a first and a second components, wherein each resource locator includes an associated scheme, node name, port, and path portions, as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Man

1. Man discloses a method and system for transmitting data packets from a first application program executing on a first device to a second application program executing on a second device via a local area network. (Abst.)

2. As depicted in Figure 3, Man discloses each device (20, 100) includes a protocol independent interface (PII) program (250, 255) that, upon being initialized, determines available protocols, and assigns an access line to each of the protocols. (Col. 2, ll. 25-28, col. 10, ll. 23-27.) The PII program then assigns an access ID to each application program, and subsequently maps each access ID/access line pair to a corresponding block protocol specific information, which includes a protocol header. (*Id.* at ll. 28-33, col. 10, ll. 28-34.)

3. Upon receiving a data packet containing the access ID of the first application program along with the destination ID of the second application program, the PII program retrieves the block protocol specific information from the mapping information to thereby form a transmission packet (data packet + destination ID + retrieved block protocol specific info) before forwarding it to the second application program via the LAN. (*Id.* at ll. 33-44, col. 10, ll. 35-45.)

4. Each protocol header includes some type of address data such as socket, name, or port info. (Col. 12, l. 40- col. 13, l. 4.)

Glass

5. Glass discloses a computer network communications system whereupon a first computer agent requests an encounter with a second agent to exchange messages therewith, the second agent creating an object to bind itself to the requesting agent for the duration of the encounter. (Abst.)

6. The agent's request includes the requester's host address, port number on the network. (Col. 2, ll. 40-43.) A uniform resource locator (URL) may be used to refer to the object, including an alias, host address, a port number. (Col. 4, ll. 4-6, ll. 21-26.)

IV. ANALYSIS

Independent claim 1 requires, *inter alia*, first and second resource locators, respectively, that identify first and second components, wherein

each resource locator includes an associated scheme, node name, port, and path portion. (Br. 9, Claims App'x.)

As set forth in the Findings of Fact section, Man discloses that, upon receiving a message request from a first application program to communicate with a second application program, a PII program retrieves block protocol specific information pertaining to the requesting application program including a protocol header mapped to a dedicated access ID/access line pair before forwarding the message to the destination application program. (FF. 2-3.) Further, Man indicates that the protocol header includes address data information such as socket, port, name. (FF. 4.) Additionally, Glass discloses using URLs as part of a computer agent's request to communicate with another computer agent wherein the URL includes an alias, host address, and a port number. (FF. 5-6.)

We find that the Man-Glass combination, at best, teaches or suggests using a resource locator to identify a requesting application program, which in turn references a destination application program with which it wishes to communicate. While the disclosed resource locator can serve the purpose of identifying both the requesting and the destination application programs, the Examiner's proffered combination does not suggest using a separate resource locator to uniquely identify each of the application programs. Thus, even though the disclosed resource locator does include a path, a node name, a communication scheme, and a port, we find that the disclosed resource locator can only serve to uniquely identify the requesting application program. Furthermore, we note that the integration of Glass's

URL into Man does not appear to be workable since Man primarily relies on dedicated lines to communicate messages between the two application programs. Consequently, to somehow conclude that Glass's locator could be extended to uniquely identify the requesting and destination application programs of Man would require us to stretch the boundaries of the proffered combination beyond reasonable limits. Since Appellants have shown at least one error in the rejection of claim 1, we need not reach the merits of Appellants' other arguments. It follows that Appellants have shown error in the Examiner's rejection of claim 1 as being unpatentable over the combination of Man and Glass.

Because claims 2-6, 8-15, 17-23, 25 and 26 also recite the limitations of independent claim 1 discussed above, we find that Appellants have also shown error in the Examiner's rejection of these claims for the reasons set forth above.

V. CONCLUSION OF LAW

Appellants have established that the Examiner erred in rejecting claims 1-6, 8-15, 17-23, 25 and 26 under 35 U.S.C. § 103(a) as set forth above.

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VI. DECISION

We reverse the Examiner's rejection of claims 1-6, 8-15, 17-23, 25
and 26.

REVERSED

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